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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,835	12/29/2000	Atul N. Hatakar	10559/355001/P10032	9274
20985	7590	10/24/2006		
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER VU, THONG H	
			ART UNIT 2142	PAPER NUMBER

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/751,835	Applicant(s) HATALKAR, ATUL N.	
	Examiner Thong H. Vu	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 37-42 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/02/06 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 37-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Havekost et al [5,768,119].

3. As per claim 37, Havekost discloses A method of sending an alert management message to a plurality of recipients on a broadcast channel [Havekost, event/alarm reporting and broadcast message service, col 17 lines 5-59, Fig 1C] comprising:

receiving an alert which can be one of a plurality of different types from one of the plurality of recipients [Havekost, a list of alarm types, col 40 lines 50-59];

generating a first data field that identifies at least one target recipient from among the plurality of recipients, the at least one target recipient including the one

Art Unit: 2142

of the plurality of recipients [Havekost, device table includes device ID, name, Ip address, col 11 lines 27-37; a plurality devices, col 5 lines 30-35];

generating a second data field that identifies the type of alert management message [Havekost, generate signals of various types to various field devices, col 5 lines 56-63], wherein the type of alert management message is based on the type of alert [Havekost, alarm types table, col 39 lines 5-65]; and

transmitting the data fields to the recipients [Havekost, transmit data between two devices, col 17 lines 35-45; a distinct data type allows presentation of the state of individual alarm, col 43 lines 1-6].

4. As per claim 38 Havekost discloses generating a third data field that uniquely identifies the alert management message [Havekost, generate signals of various types to various field devices, col 5 lines 56-63].

5. As per claim 39 Havekost discloses generating the payload message, the payload message comprised of at least one byte; transmitting the number of bytes in the payload message; and transmitting the payload message as inherent feature of transmit data between two devices.

6. As per claim 40 Havekost discloses An article comprising a computer-readable medium that stores computer-executable instructions for sending an alert management

Art Unit: 2142

message to a plurality of recipients [Havekost, event/alarm reporting and broadcast message service, col 17 lines 5-59, Fig 1C], the instructions causing a machine to:

receive an alert from one of the plurality of recipients, which alert can be one of a plurality of different types [Havekost, a list of alarm types, col 40 lines 50-59];

generate a first data field that identifies at least one target recipient from among the plurality of recipients, the at least one target recipient including the one of the plurality of recipients [Havekost, device table includes device ID, name, Ip address, col 11 lines 27-37; a plurality devices, col 5 lines 30-35];

generate a second data field that identifies the type of alert management message based on the type of the alert [Havekost, generate signals of various types to various field devices, col 5 lines 56-63; alarm types table, col 39 lines 5-65]; and

transmit the data fields to the recipients [Havekost, transmit data between two devices, col 17 lines 35-45; a distinct data type allows presentation of the state of individual alarm, col 43 lines 1-6].

7. As per claim 41 Havekost discloses the instructions further causing the machine to generate a third data field that uniquely identifies the alert management message [Havekost, generate signals of various types to various field devices, col 5 lines 56-63].

8. As per claim 42 Havekost discloses generate the payload message, the payload message comprised of at least one byte; transmit the number of bytes in the payload

Art Unit: 2142

message; and transmit the payload message as inherent feature of transmit data between two devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner
Art Unit 2142



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